

## MINUTES

### NORTH FORT BEND WATER AUTHORITY

August 25, 2021

The Board of Directors (the "Board") of the North Fort Bend Water Authority (the "Authority") met in regular session by teleconference and videoconference, with access by telephone and video available to the public, pursuant to Texas Government Code Section 551.125 and Governor Greg Abbott's emergency disaster declaration dated March 13, 2020, on the 25<sup>th</sup> day of August, 2021, and the roll was called of the members of the Board being present by either telephone or video:

Peter Houghton	President
Robert Patton	Vice President
Melony Gay	Secretary
Robert Darden	Assistant Vice President
Bruce Fay	Assistant Secretary
Donald Abrahamson II	Assistant Secretary
Dana Hollingsworth	Assistant Secretary

and all of the above were present except Directors Houghton and Fay, thus constituting a quorum.

Also attending all or part of the teleconference and/or the videoconference were Matt Froehlich, Lindsay Kovar, Ian Pietz, Whitney Milberger, and Tiffany Moore of BGE, Inc. ("BGE"); Taylor Watson and Cynthia Colondres of Municipal Accounts & Consulting, L.P.; Dale Clayton of Inframark, LLC ("Inframark"); Terrell Palmer and Francine Stefan of Post Oak Municipal Advisors LLC; David Oliver, Christina Miller, Aaron Carpenter, and Justine M. Cherne of Allen Boone Humphries Robinson LLP ("ABHR"); Chris Campbell and Aimee Edwards of Binkley & Barfield, Inc.; Carlos Quintero of Freese and Nichols, Inc.; Mike Halde of HR Green, Inc.; Jeremy Austin of Halff Associates, Inc.; John Strange of JNS Consulting Engineers, Inc.; Kyle Kaspar of Jones & Carter, Inc.; Charles Shumate of Lockwood, Andrews & Newnam, Inc.; Rich Patrick of Nino & Moore; Sylvester Johnson of RPS Infrastructure, Inc.; Michael Abshire and Mark Van Dyck of Big Oaks Municipal Utility District; Steve Haas of Cinco Municipal Utility District No. 8; Kerry Crellin of Cinco Southwest Municipal Utility District No. 4; Stephen Talecki of Cornerstones Municipal Utility District; Betty Stewart of Fort Bend County Municipal Utility District No. 2; Linda Yorlano of Fort Bend County Municipal Utility District No. 30; Susan Ruske of Fort Bend County Municipal Utility District No. 35; Craig Lewis of Fort Bend County Municipal Utility District No. 50; Kafi Dalcour of Fort Bend County Municipal Utility District No. 116; Jeanette Spinks of Fort Bend County Municipal Utility District No. 119; Randy Carter of Fort Bend County Municipal Utility District No. 142; Dara Sigloch of Fort Bend County Municipal

Utility District No. 182; Mashhood Shah of Grand Lakes Municipal Utility District No. 4; Juanita Yarneau of Kingsbridge Municipal Utility District; and David Johnson, Robert Milligan, Shane Porter, and additional members of the public.

Ms. Miller reviewed certain recommended protocols for conducting the Authority's meeting via teleconference and videoconference. She announced that the meeting was being recorded and that consultant reports presented at the meeting were posted online and available to the public in the form of an "agenda packet" prior to the start of the meeting at [www.districtdirectory.org/agendapackets/nfbwa](http://www.districtdirectory.org/agendapackets/nfbwa) and the Authority's website at <https://www.nfbwa.com/meetings/>.

#### OPERATIONS AND SERVICE REQUIREMENTS RELATING TO COVID-19 EPIDEMIC AND RATIFICATION OF ANY EMERGENCY ACTIONS

Mr. Clayton confirmed that there were no issues to report related to the COVID-19 epidemic.

#### COMMENTS FROM THE PUBLIC

Ms. Miller offered any members of the public attending the meeting by telephone or videoconference the opportunity to make public comment. There were no public comments.

#### APPROVE MINUTES

The Board considered approving the minutes of its regular meeting held on July 28, 2021. After review and discussion, Director Gay moved to approve the minutes as written. Director Hollingsworth seconded the motion, which passed unanimously.

#### PUBLIC COMMUNICATION, WATER CONSERVATION, AND REUSE MATTERS, AND LARRY'S TOOLBOX WATER CONSERVATION PROGRAM ("LARRY'S TOOLBOX PROGRAM")

Ms. Milberger reviewed a Memorandum Regarding Water Conservation and Reuse matters, a copy of which is attached.

Ms. Milberger reminded the Board that the Authority is a Bronze Sponsor of the Texas Water Development Board's (the "TWDB") 2021 Water for Texas Conference scheduled for September 27-29, 2021, at the AT&T Executive Education and Conference Center in Austin, Texas.

Ms. Milberger reminded the Board that 4" X 4" water conservation educational displays are scheduled for placement in 13 community newsletters through November 2021.

Ms. Milberger reported that the Authority's Communication, Conservation, and Reuse Committee ("CCR Committee") recommends that the Authority renew its annual membership in the Texas Water Conservation Association in the amount of \$358.00.

Ms. Milberger reported on planned attendance and utilization of the Authority's water conservation mobile teaching lab at future community events.

Ms. Milberger reported on her attendance at previous meetings of the Board of Directors of municipal utility districts located within the Authority.

Ms. Milberger reported that the Authority's CCR Committee recommends that the Authority approve a proposal from Mighty Citizen for one additional day for videographer services for the Authority's Water Force campaign in an amount not to exceed \$2,200.00. She reviewed Mighty Citizen's budget and invoices received to date.

Ms. Milberger reported that 121 irrigation system evaluations were completed through the Authority's W.I.S.E. Guys Irrigation System Evaluation Program ("WISE Guys Program") during July 2021. She reported on the distribution of prizes pursuant to the WISE Guys Program Giveaway Incentive Program.

Ms. Milberger reviewed updates made to the chart indicating the status of effluent reuse and alternate water credit projects/contracts and tracking reuse usage amounts, a copy of which is attached to the Memorandum Regarding Water Conservation and Reuse matters.

Ms. Milberger reported on the status of Integrated Water Management Plans due for submission to the Authority by Fort Bend County Municipal Utility District No. 168, Charleston Municipal Utility District, and Brazoria-Fort Bend Counties Municipal Utility District No. 3.

Ms. Milberger reported on the status of Fort Bend County Municipal Utility District No. 229's reclaimed water system pilot program that includes completion of an Integrated Water Management Plan.

Ms. Milberger reported that BGE and ABHR are reviewing an effluent reuse application received from Fort Bend County Municipal Utility District No. 142 for a potential stormwater capture project.

Ms. Milberger reported on requests from participants in the 2021 Larry's Toolbox Program for supplemental initiatives due to the impact of COVID-19 on meeting the goals of the program. She reported that the Authority's CCR Committee recommends that the Authority approve adding two interactive webinars to the 2021 Larry's Toolbox Program, with one webinar requiring attendance by the engineer, operator, and attorney and the other webinar requiring attendance by three directors. She stated that each of the supplemental initiatives provide one point for the 2021 Larry's Toolbox

Program upon a program participants' successful completion.

Ms. Milberger reported that the Authority's CCR Committee recommends that the Authority authorize execution of a Consulting Service Agreement with North Mission Glen Municipal Utility District and Masuen Consulting, LLC for a proposal for implementing the Authority funded Homeowners Association/Golf Course Irrigation System Evaluation and Water Budget initiative for the 2021 Larry's Toolbox Program in the amount of \$10,550.00.

Ms. Milberger reported on the status of BGE's preparation of modifications to the requirements for the proposed 2022 Larry's Toolbox Program.

Director Patton requested that information providing advice on how to correctly install the Rachio irrigation controllers distributed as prizes pursuant to the WISE Guys Program Giveaway Incentive Program be included in the distribution.

Following review and discussion, Director Hollingsworth moved to approve the Water Conservation and Reuse report, including:

- (1) authorize renewal of the Authority's annual membership in the Texas Water Conservation Association in the amount of \$358.00;
- (2) authorize execution of the proposal from Mighty Citizen for one additional day of videographer services for the Authority's Water Force campaign in an amount not to exceed \$2,200.00;
- (3) authorize the supplemental initiatives and corresponding points for the 2021 Larry's Water Conservation Toolbox Program; and
- (4) authorize execution of a Consulting Service Agreement with North Mission Glen Municipal Utility District and Masuen Consulting, LLC for implementing the Authority funded Homeowners Association/Golf Course Irrigation System Evaluation and Water Budget initiative for the 2021 Larry's Toolbox Program in the amount of \$10,550.00.

Director Gay seconded the motion, which passed unanimously.

## CONTRACTS

Ms. Miller reported that the Authority's Finance and Policy Committee recommended approval of a Third Amendment to the Authority's Software License and Maintenance Agreement with Truepoint Solutions, LLC ("Truepoint") for completing the transition of the Authority's current pumpage reporting online system to a new pumpage reporting online system. She stated that the amendment includes a proposal submitted by Truepoint for custom design and implementation services in the amount of \$10,560.00 and an additional 50 hours of implementation services, as needed, in the amount of \$8,250.00, for a total amount not to exceed \$18,810.00. Following review and

discussion, Director Gay moved to authorize execution of the Third Amendment to the Authority's Software License and Maintenance Agreement with Truepoint. Director Abrahamson seconded the motion, which passed unanimously.

Ms. Miller discussed a Water Line Easement to be granted by Fort Bend County Municipal Utility District No. 58 ("FB 58") for Parcels 17A.01, 17A.02 and 17B.01. She reported that ABHR is counsel for FB 58 and discussed with the Board the Authority's option to retain independent counsel or to have ABHR represent it in connection with the preparation of the proposed Water Line Easement to be granted by FB 58.

Ms. Miller additionally discussed preparation of Right of Entry Agreements with certain municipal utility districts located within the boundaries of the Authority for the Authority's automated meter reader installation project (Group 1). She reported that ABHR is counsel for 22 of the municipal utility districts as further detailed in the legal conflict waiver presented to the Board and discussed with the Board the Authority's option to retain independent counsel or to have ABHR represent it in connection with the preparation of the proposed Right of Entry Agreements with the 22 municipal utility districts.

Following review and discussion, Director Gay moved to authorize execution of legal conflict waivers for ABHR's preparation of (1) a Water Line Easement to be granted by FB 58 for Parcels 17A.01, 17A.02 and 17B.01; and (2) Right of Entry Agreements with the 22 municipal utility districts for the Authority's automated meter reader installation project (Group 1). Director Abrahamson seconded the motion, which passed unanimously.

#### PROPOSAL FOR CYBER LIABILITY INSURANCE POLICY

The Board concurred to defer this item.

#### FINANCING PLAN MATTERS

Mr. Palmer updated the Board on the Authority's issuance of \$115,335,000 Water System Revenue and Revenue Refunding Bonds, Series 2021 ("Series 2021 Bonds"). Mr. Palmer reported that the Series 2021 Bonds priced on August 24, 2021. He stated the refunding portion of the Authority's Series 2021 Bonds yielded an approximate 25.70% net present value savings of \$15,527,186.88, providing a tangible impact on the Authority's fees and rates. He stated the Series 2021 Bonds are anticipated to close on or around September 21, 2021. Ms. Miller discussed issuance and closing costs for the Series 2021 Bonds. Following review and discussion, Director Gay moved to authorize disbursement of bond proceeds for payment of related issuance and closing costs for the Series 2021 Bonds. Director Hollingsworth seconded the motion, which passed unanimously.

Ms. Miller next presented Financing Agreements with the TWDB for the

Authority's \$20,940,000 Water System Junior Lien Revenue Bonds, Series 2021A ("Series 2021A Bonds") and \$13,035,000 Water System Revenue Bonds, Series 2021B ("Series 2021B Bonds"). She stated that the deadline for submitting the Financing Agreements to the TWDB is September 15, 2021. Ms. Miller reported on procedures related to the Authority's anticipated sale of the Series 2021A Bonds and the Series 2021B Bonds at the October 13, 2021, special meeting. Following review and discussion, Director Gay moved to authorize execution of the Financing Agreements for the Series 2021A Bonds and the Series 2021B Bonds. Director Hollingsworth seconded the motion, which passed unanimously.

Ms. Miller reported that the single audit report required pursuant to the Authority's Loan Forgiveness Agreements in connection with the funding received from the TWDB's Clean Water State Revolving Fund for the Authority's joint reclaimed water system projects and a management representation letter were presented at the August Finance and Policy Committee meeting. She reported that no material weaknesses or issues with internal or actual compliance were found. She stated that the single audit report is due for submission to the TWDB by September 30, 2021. Following review and discussion, Director Gay moved to approve the single audit report for the Authority's joint reclaimed water system projects subject to the Loan Forgiveness Agreements, authorize execution of the management representation letter, and authorize submission of the single audit report to the Federal Audit Clearinghouse in coordination with the Authority's auditor. Director Abrahamson seconded the motion, which passed unanimously.

Ms. Miller discussed the TWDB's anticipated schedule for preparing amendments to the Authority's Loan Forgiveness Agreements for funding received from the TWDB's Clean Water State Revolving Fund for the reclaimed water system projects for Grand Lakes Municipal Utility District Nos. 1, 2, and 4 (collectively, "Grand Lakes") and Fort Bend County Municipal Utility District Nos. 146 and 194 ("FB 146 and 194") with revised schedules.

Ms. Miller reminded the Board that the Authority's Series A Revenue Note was redeemed on July 1, 2021, and the Authority's Note Purchase Agreement with JPMorgan Chase Bank, N.A. was amended to extend the term of the Agreement for an additional two-year period. She recommended execution of a Certificate of No Default for submission to JPMorgan Chase Bank, N.A. in conjunction with the Authority's submittal of certain required quarterly financial reports. Following review and discussion, Director Gay moved to authorize execution of the Certificate of No Default. Director Hollingsworth seconded the motion, which passed unanimously.



## FINANCIAL AND BOOKKEEPING MATTERS AND CONDUCT HEARING REGARDING ANY DELINQUENT FEES AND RULE VIOLATIONS

Mr. Watson presented the bookkeeper's report, including receipts, a list of checks presented for payment, fund and wire transfers, a supplemental cash flow report, account balances, current period and year-to-date actual versus budget comparisons, a schedule of debt service payments, and a quarterly investment report. A copy of the bookkeeper's report is attached. Mr. Watson reported that the list of checks includes 44 checks to provide fee adjustment credits pursuant to the Authority's fee adjustment credit policy for water leaks caused by the February 2021 freeze event. Following review and discussion, Director Gay moved to approve the bookkeeper's report, including payment of the invoices. Director Abrahamson seconded the motion, which passed unanimously.

The Board did not conduct a hearing regarding any delinquent fees or rule violations.

## NOTICE OF 2022 PRELIMINARY FEES

Ms. Miller reminded the Board that the Authority normally distributes a preliminary notice of the anticipated Groundwater Reduction Plan ("GRP") Fee and Surface Water Fee for the next calendar year prior to the end of September to assist retail water providers located within the Authority in developing their budgets for the next fiscal year. She reported that Mr. Palmer discussed his analysis of the Authority's financing plan and explained the Authority's revenue requirements related to issuing bonds during the Authority's committee meetings held in August. She stated that Mr. Palmer recommended increasing the Authority's GRP Fee and Surface Water Fee \$0.30 for the Authority's 2022 fiscal year which is consistent with the updated water rate analysis previously completed for the Authority.

Ms. Miller reviewed a proposed notice that states the Board anticipates increasing the GRP Fee to \$4.55 per 1,000 gallons of water pumped and the Surface Water Fee to \$4.90 per 1,000 gallons of surface water received, which correspondingly increases the Imported Water Fee, effective January 1, 2022. Following review and discussion, Director Gay moved to authorize distribution of the notice to all retail water providers served by the Authority. Director Abrahamson seconded the motion, which passed unanimously.

## OPERATION OF AUTHORITY FACILITIES

Mr. Clayton presented the operator's report and reported on the operations of the Authority's facilities, including inspections, maintenance, repairs, joint facility expenses, and water accountability. A copy of the operator's report is attached. Mr. Clayton reported on coordination with the City of Houston ("COH") to determine the

cause for the discrepancies between the amounts of water purchased and sold by the Authority for June and July, 2021.

Mr. Clayton reported on valve corrections performed due to a failure at a remote well meter site for the Authority's connection surface water line with Fort Bend County Municipal Utility District No. 41 ("FB 41") that caused FB 41's well to run and a subsequent lockdown of FB 41's ground storage tank. He stated that the remote well meter site is currently operational.

Mr. Clayton reviewed a quote from Inframark for performance of the yearly distribution valve survey for \$45.00 per valve for the approximate total amount of \$13,005.00.

Following review and discussion, Director Abrahamson moved to approve the operator's report as presented, including performance of the distribution valve survey for \$45.00 per valve. Director Gay seconded the motion, which passed unanimously.

REGULATORY MATTERS: SUBSIDENCE DISTRICT REGULATIONS AND PERMITTING, AND AUTHORITY'S GRP

Mr. Froehlich presented the engineer's report, a copy of which is attached.

Mr. Froehlich reported on meetings that BGE and ABHR attended with staff members of the Fort Bend Subsidence District (the "FBSD") and the Authority's current representatives to the Board of Directors of the FBSD to discuss the status of the FBSD's review of its Joint Regulatory Plan and disincentive permit fee. He reported that the FBSD has scheduled a hearing to determine the rate of the disincentive permit fee and discussed the proposed methodology the FBSD plans to use to calculate the disincentive permit fee.

Mr. Froehlich reported that the FBSD held a hearing on renewal of the Authority's water well permit for the 2021-2022 permit year and no concerns were raised.

Mr. Froehlich reported on matters related to the Authority's GRP, including the monthly amounts of surface water delivered and reclaimed water utilized by the Authority.

Mr. Froehlich reported that a conditional letter of approval for inclusion in the Authority's aggregate water well permit was provided in response to a request from Fort Bend County Fresh Water Supply District No. 2 ("FBCFWSD 2").

Mr. Froehlich reported on coordination with the engineer for FBCFWSD 2 on a request for a water supply agreement with the Authority.



## ENGINEERING MATTERS: DESIGN, CONSTRUCTION, PROJECTS, AND STUDIES

Mr. Froehlich reported on the status of property acquisition matters for Main Segment 13. Charts summarizing the status of property acquisition matters are attached to the engineer's report.

Mr. Froehlich reported on the status of construction of the reclaimed water distribution system for the Authority's joint reclaimed water system project with Grand Lakes. He recommended that the Board approve Pay Estimate No. 5, submitted by McKinney Construction, Inc. ("McKinney") for the project in the amount of \$214,056.90.

Mr. Froehlich reported on the status of construction of the reclaimed water distribution system for the Authority's joint reclaimed water system project with FB 146 and 194. He recommended that the Board approve Pay Estimate No. 3, submitted by McKinney for the project in the amount of \$200,574.00.

Mr. Froehlich reported on the status of construction of the wastewater treatment plant improvements for the Authority's joint reclaimed water system project with Grand Lakes. He stated that the contractor, JTR Constructors Inc., is addressing punchlist items for the project and a final inspection is scheduled with the TWDB on August 26, 2021.

Mr. Froehlich reported on the status of construction for the Authority's surface water line connection for Fort Bend County Municipal Utility District No. 30's water plant no. 3. He stated that the contractor, D.L. Elliott Enterprises, Inc., is addressing punchlist items.

Mr. Froehlich reported that Accurate Meter & Backflow, LLC's installation of the first phase of automated meters for the Authority's automated meter reader installation project is ongoing. He stated that ABHR is reviewing comments to certain draft Right of Entry Agreements as they are received. Mr. Froehlich reviewed a list of four Right of Entry Agreements for the first phase of the project that he said were ready for the Board's execution.

Mr. Froehlich reported on the status of RPS Infrastructure, Inc.'s design of Main Segment 11A. He stated that COH's approval of the plans will be obtained after completion of the first phase of an updated transient analysis.

Mr. Froehlich reported on BGE's design of the project to extend the steel casing on Main Segment 8B at FM 723 due to the Texas Department of Transportation's ("TxDOT") project to widen FM 723 at Bellaire Boulevard. He stated that design plan approvals have been received from COH. He reported that BGE is working on obtaining design plan approvals from Fort Bend County and preparing an exhibit for a utility agreement with TxDOT. He reported that design of the project is on hold pending TxDOT's schedule for right-of-way acquisition.

Mr. Froehlich reported on the status of design for the Authority's proposed 2025 surface water supply system (the "2025 System") by the following design consultants: IDS Engineering Group for Main Segment 13B; Carollo Engineers, Inc. for Main Segment 19; and BGE for Main Segment 18A. He stated that once the necessary right-of-entry agreements are obtained, kickoff meetings will be held with Jones & Carter, Inc. for Main Segment 13Ci and the connection water line for Fort Bend County Municipal Utility District No. 229 and Binkley & Barfield, Inc. for Main Segments 13Cii and D. Mr. Froehlich additionally reported that a proposed discharge line from FBCFWSD 2's proposed water plant is anticipated to be located parallel and adjacent to the Authority's proposed connection surface water line to the plant. He recommended that the design and construction of the Authority's connection surface water line and meter station be combined with the design and construction of FBCFWSD 2's proposed water plant. He stated that BGE will coordinate with ABHR on a proposed amendment to the Authority's current Agreement for Professional Design Consulting Services with HR Green, Inc. to account for the reduced scope of work.

Mr. Froehlich reported that the first phase of the transient analysis to include Segment 11A is anticipated to be completed in early September 2021.

Mr. Froehlich reported on the status of Fort Bend County Municipal Utility District No. 146's ("FB 146") proposed modifications to the Authority's reclaimed water system facilities related to the installation of increased filtration at FB 146's wastewater treatment plant. He stated that ABHR sent a revised letter agreement to the attorney for FB 146 regarding the proposed modifications.

Mr. Froehlich reported on the status of a potential effluent reuse project with Fort Bend County Municipal Utility District No. 34. He stated that ABHR is coordinating efforts for negotiations with the involved parties.

Mr. Froehlich reported on the status of the second phase of the Authority's water blending study, including BGE's review of the analysis of water quality changes and development of a plan for treatment, if needed.

Mr. Froehlich reported on the status of a System Environmental Determination Form and a Cultural Resources Study required for the Authority's proposed 2025 System, including geoarchaeological investigations on Main Segment 11A and Right-of-Entry Agreements sent to certain property owners for access.

#### REGIONAL PLANNING MATTERS: JOINT PROJECTS AND WATER SUPPLY

Mr. Froehlich reported that Texas Microgrid, LLC submitted an invoice for Grid Outage Fees for July 2021 in the amount of \$24.77 for an electricity outage experienced during a storm event.

Mr. Froehlich reported on the status of design, permitting, construction, and

property acquisition, as appropriate, for the Authority's joint Surface Water Supply Project with the West Harris County Regional Water Authority (the "WHCRWA"), including Segments A, B1, B2, B3, C1, and C2, the Kinder Morgan subsegments, the Segment 3 subsegments, the Repump Station, the Central Pump Station, and the Northeast Meter Station. A copy of a chart listing the status of construction is included in the engineer's report.

Ms. Miller discussed the status of the Authority's negotiations related to an Amended and Restated Joint Facilities Agreement with the WHCRWA, including a meeting with the WHCRWA held on August 13, 2021.

Mr. Pietz reported on the status of construction of the Coastal Water Authority's Luce Bayou Interbasin Transfer Project. He stated that the current schedule is for the pump manufacturer to make some modifications to the pumps in mid-September with final testing and startup to be completed in October.

Mr. Pietz reviewed drone video footage of the project site and updated the Board on COH's Northeast Water Purification Plant Expansion Project per its Design-Build Agreement with the Houston Waterworks Team. He reported on the status of construction for Early Work Package Nos. 2, 4, and 6, and the Balance of Plant package. He reviewed proposed Change Order Nos. 22 and 23.

Mr. Froehlich reported that BGE reviewed COH's fiscal year 2022 O&M Budget for the East Water Purification Plant and did not find any discrepancies or anomalies.

Following review and discussion, Director Hollingsworth moved to approve the engineer's report as presented, including:

- (1) approve Pay Estimate No. 5, submitted by McKinney for the Authority's joint reclaimed water system project with Grand Lakes in the amount of \$214,056.90;
- (2) approve Pay Estimate No. 3, submitted by McKinney for the Authority's joint reclaimed water system project with FB 146 and 194 in the amount of \$200,574.00; and
- (3) approve payment of an invoice submitted by Texas Microgrid, LLC for Grid Outage Fees for July 2021 in the amount of \$24.77.

Director Abrahamson seconded the motion, which passed unanimously.

PARTICIPATION AS AMICUS PARTY IN SAN JACINTO RIVER AUTHORITY V. CITY OF CONROE AND CITY OF MAGNOLIA

Ms. Miller updated the Board on developments related to the Authority's amicus brief filed in *San Jacinto River Authority v. City of Conroe and City of Magnolia*. She

reported on a ruling by the U.S. Court of Appeals for the Fifth Circuit affirming the U.S. District Court's denial of the San Jacinto River Authority's motion to dismiss.

#### REALTY INTEREST ACQUISITION

Ms. Miller reviewed four Right of Entry Agreements for the Authority's automated meter reader installation project and one Water Line Easement for Parcels 17A.01, 17A.02 and 17B.01, as listed on the attached charts. Following review and discussion, Director Hollingsworth moved to authorize execution of the Right of Entry Agreements and Water Line Easement as presented. Director Abrahamson seconded the motion, which passed unanimously.

#### MEETING PLANNING AND SCHEDULING MATTERS

Ms. Miller reported that Governor Greg Abbott's suspension of certain Texas Open Meetings Act provisions due to the COVID-19 pandemic has been rescinded effective at 12:01 a.m. on September 1, 2021. She reviewed options for holding future meetings of the Board. Following review and discussion, Director Patton moved to implement the protocols for a hybrid videoconference compliant with the provisions of the Texas Open Meetings Act for future meetings of the Board. Director Abrahamson seconded the motion, which passed unanimously.

Ms. Miller reviewed options for holding future meetings of the Authority's committees. Following review and discussion, Director Abrahamson moved to implement the protocols for a non-posted videoconference for future meetings of the Authority's committees with less than a quorum of the Board attending. Director Patton seconded the motion, which passed unanimously.

#### CONVENE EXECUTIVE SESSION

The Board convened in executive session at 6:37 p.m., pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney regarding the Authority's legal rights and obligations under (1) the Joint Facilities Agreement with the WHCRWA; and (2) the Second Supplement to the Water Supply Contract with COH. The Board determined that the attendance in this executive session of Mr. Froehlich, Ms. Kovar, and Mr. Pietz was necessary in order for the Board to obtain the necessary legal advice from its attorney, and the Board requested their presence in the executive session.

#### RECONVENE IN OPEN SESSION

At 7:23 p.m., the Board reconvened in open session. No action was taken by the Board.

There being no further business to come before the Board, the meeting was adjourned.

  
Secretary, Board of Directors

(SEAL)





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